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November 11, 2010

Honorable Joel A. Pisano, U.S.D.J.
U.S. District Court
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street Room 2020
Trenton, NJ 08608

RE: Arts Council of Princeton v. Michael Graves & Associates
Our File No. 01022-00355-JHO
Civil Action No. 3:10-CV-01393-JAP-TJB
AAA No. 18 110 J 00612 10

Dear Judge Pisano:

This firm represents the interests of Michael Graves & Associates in the above-referenced matter. Presently before is Mr. Sal Arnone's Motion to Dismiss, returnable on November 15, 2010. Please accept this correspondence as an informal submission in clarification of the Michael Graves & Associates Opposition to Mr. Arnone's moving paper.

Michael Graves & Associates has filed a Fifth Amended Third Party Complaint, in which the allegations related to Mr. Arnone's involvement in the project at issue is clarified. (See Attachment, MGA Fifth Amended Third Party Complaint). Specifically, Michael Graves & Associates has separated the allegations raised against Mr. Arnone into two individual averments.

The first relates to Mr. Arnone's activities as the, Co-Chair, Trustee Building Committee of the Arts Council of Princeton:

"The Arts Council of Princeton appointed Sal Arnone, Co-Chair, Trustee Building Committee of the Arts Council of Princeton, as the Owners Representative on the Project. Based upon information and belief, Sal Arnone, as the Co-Chair, Trustee Building Committee of the Arts Council of Princeton made all the project decisions and the approvals on behalf of the Arts Council of Princeton."

See paragraph 19, of the MGA Fifth Amended Third Party Complaint.

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The second relates to Mr. Arnone's activities as an independent contractor:

"The Arts Council of Princeton retained Sal Arnone to perform as the Owners Representative on the project. In the performance of his duties as the Owners Representative, Sal Arnone was an independent contractor and was paid by the Arts Council for these services. Sal Arnone's duties as the Owners Representative were separate and distinct from his role as the Co-Chair, Trustee Building Committee of the Arts Council of Princeton. Sal Arnone made all the project decisions and the approvals on behalf of the Arts Council of Princeton."

See paragraph 19, of the MGA Fifth Amended Third Party Complaint.

Michael Graves & Associates renews its argument to deny Mr. Arnone's motion. This is based upon the fact that the issues relating to Mr. Arnone are undetermined and a dismissal would be premature at this time.

Respectfully submitted,

/s/ Raymond J. Michaud

RAYMOND J. MICHAUD

RJM/kmd

cc: All counsel (via electronic filing)

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